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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 KIM BLANDINO,  
12                                      Petitioner,  
13                      v.  
14 JOSEPH LOMBARDO, et al.,  
15                                      Respondents.  
16

Case No. 2:22-cv-00170-RFB-NJK

**ORDER**

17            This is a habeas corpus action under 28 U.S.C. § 2241. Petitioner has filed an emergency  
18 motion to immediately stay state criminal trial (ECF No. 4). Petitioner insisted that the court needed  
19 to act by 5:00 p.m. on March 2, 2022. Although the motion is docketed as filed on that date, it was  
20 not actually entered into the court's docket until March 7, 2022. The motion thus is moot, because  
21 the court no longer can grant the relief that petitioner seeks.

22            Even if the motion reached the court in time for the court to do something, the court still  
23 would deny the motion. Petitioner claims that the trial would violate his rights under the Double  
24 Jeopardy Clause of the Fifth Amendment, because he already has been punished for the crimes  
25 charged. However, what petitioner calls "punishment" is pre-trial confinement and house arrest.  
26 In truth, petitioner has not yet been punished for the offenses charged, assuming that petitioner has  
27 been found guilty. Nor, based upon petitioner's statements, has he been tried on these same charges  
28

1 previously. Petitioner thus has failed to demonstrate a possible violation of the Double Jeopardy  
2 Clause.

3 The court also has reviewed the petition (ECF No. 1) and supporting memorandum (ECF  
4 No. 1-1) under Rules 4 and 1(b) of the Rules Governing Section 2254 Cases in the United States  
5 District Courts. The supporting memorandum includes the double-jeopardy claim that the court  
6 has rejected above. ECF No. 1-1 at 19. Petitioner's claims in the petition itself all are variations  
7 on the deprivation of the right to represent himself. ECF No. 1 at 6. Petitioner's other claims in  
8 the supporting memorandum are that he is being deprived of his right to file a habeas corpus petition  
9 in the state courts, that the prosecution of him is in bad faith, that he was deprived of his right to a  
10 speedy trial, and that the Nevada Supreme Court is procrastinating. ECF No. 1-1 at 17-27. Because  
11 the double-jeopardy claim is without merit, petitioner can litigate all the remaining claims in the  
12 state courts before turning to federal court. This court needs to abstain from interfering with the  
13 ongoing state-court criminal action. Younger v. Harris, 401 U.S. 37, 45-46 (1971).

14 Reasonable jurists would not find the court's determinations to be debatable or wrong, and  
15 the court will not issue a certificate of appealability.

16 IT THEREFORE IS ORDERED that the emergency motion to immediately stay state  
17 criminal trial (ECF No. 4) is **DENIED**.

18 IT FURTHER IS ORDERED that the petition for a writ of habeas corpus (ECF No. 1) is  
19 **DENIED**. The clerk of the court is directed to enter judgment accordingly and to close this action.

20 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

21 DATED: March 10, 2022.



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23 RICHARD F. BOULWARE, II  
24 United States District Judge  
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